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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Kimberly Brennan, et al.,

10 Plaintiffs,

11 v.

12 Johnny Hernandez, et al.,

13 Defendants.  
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No. CV-24-01740-PHX-DJH

**ORDER SETTING RULE 16  
SCHEDULING CONFERENCE**

15 Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a Scheduling  
16 Conference is set for October 17, 2024 at 11:30 a.m. in Courtroom 605, Sandra Day  
17 O'Connor United States Courthouse, 401 W. Washington Street, Phoenix, Arizona  
18 85003. In preparation for this Scheduling Conference, and taking into account that Rule  
19 1 of the Federal Rules of Civil Procedure requires that these Rules be construed and  
20 administered to secure the just, speedy and inexpensive determination of every action,

21 **IT IS HEREBY ORDERED** as follows:

22 **A. Rule 26(f) Meeting and Filing of the Joint Case Management Report**

23 The parties are directed to meet and confer **at least 21 days** before the Scheduling  
24 Conference as Fed.R.Civ.P. 26(f) requires. It is the plaintiffs' responsibility to initiate the  
25 Rule 26(f) meeting and prepare the Joint Case Management Report. The defendants shall  
26 promptly and cooperatively participate in the Rule 26(f) meeting and assist in preparation  
27 of the Joint Case Management Report. The plaintiffs shall file the Joint Case  
28 Management Report with the Clerk **not less than seven (7) days** before the Rule 16

1 Scheduling Conference.

2 The Court will use the Joint Case Management Report for purposes of entering a  
3 Rule 16 Scheduling Order. Therefore, the parties should be prepared to have the Joint  
4 Case Management Report serve as the sole basis for the Court's Rule 16 Scheduling  
5 Order.

6 If the parties currently are engaged in settlement negotiations, the plaintiffs'  
7 counsel shall advise the Court **within seven (7) days** from the date of this Order, and  
8 shall specify the date by which the parties expect to conclude their settlement  
9 negotiations.

10 **B. Joint Case Management Report**

11 At the Rule 26(f) Case Management Meeting, the parties shall discuss the  
12 following matters and develop a Joint Case Management Report. This joint report shall  
13 include individually numbered paragraphs addressing the following:

14 1. A list of the parties in the case, including any parent corporations or entities  
15 (for recusal purposes);

16 2. A short statement of the nature of the case (3 pages or less), including a  
17 description of each claim and each affirmative defense, and identifying the factual and  
18 legal issues genuinely in dispute;

19 3. The jurisdictional basis for the case, describing the basis for jurisdiction  
20 and citing specific statutes, if any;

21 4. Parties which have not been served and an explanation of why they have  
22 not been served; and any parties which have been served but have not answered or  
23 otherwise appeared, including fictitious parties. Unless any party can otherwise show  
24 cause, an order shall accompany the Joint Case Management Report dismissing any party  
25 which has not been served, naming fictitious or unnamed parties, or seeking default  
26 judgment on any non-appearing party.

27 5. A statement of whether any party expects to add additional parties to the  
28 case or otherwise to amend pleadings (the Court will set a deadline of not later than 60

1 days from the issuance of the Rule 16 Scheduling Order);

2 6. A list of contemplated motions and a statement of the issues to be decided  
3 by these motions;

4 7. Whether the parties will consent to the assignment of this action to a United  
5 States Magistrate Judge in accordance with 28 U.S.C. § 636(c);

6 8. The status of related cases pending before other courts or other judges of  
7 this Court;

8 9. A statement of when the parties exchanged or will exchange Fed.R.Civ.P.  
9 26(a) Initial Disclosures;

10 10. A written plan relating to disclosure or discovery of electronically stored  
11 information, including the form or forms in which it will be produced (*see* Fed.R.Civ.P.  
12 16(b)(3)(B)(iii); Fed.R.Civ.P. 26(f)(3) (C));

13 11. A discussion of any issues relating to claims of privilege or work product  
14 (*see* Fed.R.Civ.P. 16(b)(3)(B)(iv); Fed.R.Civ.P. 26(f)(3)(D));

15 12. A discussion of necessary discovery, including:

16 a. The extent, nature, and location of discovery anticipated by the  
17 parties;

18 b. The scope of discovery and whether discovery should be conducted  
19 in phases or should be limited to focus on particular issues.

20 c. Suggested changes, if any, to the discovery limitations imposed by  
21 the Federal Rules of Civil Procedure;

22 d. The number of hours permitted for each deposition, unless modified  
23 by agreement of the parties. *See* Fed.R.Civ.P. 30(d)(1).

24 13. Proposed specific dates for each of the following:

25 a. A deadline for the completion of fact discovery;<sup>1</sup>

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26 <sup>1</sup> Discovery requests must be served and depositions noticed sufficiently in advance of  
27 this date to ensure reasonable completion by this deadline, including time to resolve  
28 discovery disputes. Parties who fail to timely disclose relevant information will be  
precluded from using it in the case and may be subject to other sanctions. Parties who  
unreasonably postpone disclosure of relevant information to the end of the discovery  
period may also be subject to sanctions.

1           b.     Dates for complete expert disclosures under Federal Rule of Civil  
2 Procedure 26(a)(2)(A)-(E), including separate dates for plaintiffs' expert disclosure,  
3 defendants' expert disclosure, and for rebuttal expert disclosure;<sup>2</sup>

4           c.     A deadline for completion of all expert depositions;

5           d.     A deadline for filing dispositive motions, including any *Daubert*  
6 motion that may be dispositive of an issue;

7           e.     A date by which the parties shall have engaged in face-to-face good  
8 faith settlement talks;

9           14.    Whether a jury trial has been requested and whether the request for a jury  
10 trial is contested and, if so, the reasons why the request is contested;

11           15.    The estimated length of trial; and

12           16.    The prospects for settlement, including any request of the Court for  
13 assistance in settlement efforts, including referral to a United States Magistrate Judge for  
14 the limited purposes of settlement.

15 **C. Other Matters**

16           The parties are expected to comply fully with the Federal and Local Rules of Civil  
17 Procedure and to minimize the expense of discovery. Additionally, the parties should  
18 ensure that all filings comply with Local Rules of Civil Procedure 7.1, 7.2, and 56.

19           The Clerk of the Court shall send copies of this order to all counsel of record and  
20 to any unrepresented parties.

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26 <sup>2</sup> No expert witness not timely disclosed will be permitted to testify unless the party  
27 offering such witness demonstrates: (a) that the necessity of such expert witness could  
28 not have been reasonably anticipated at the time of the deadline for disclosing such expert  
witness; (b) the Court and opposing counsel or unrepresented party were promptly  
notified upon discovery of such expert witness; and (c) that such expert witness was  
promptly proffered for deposition. *See Wong v. Regents of the Univ. of Cal.*, 410 F.3d  
1052, 1060 (9th Cir. 2005).

1           **IT IS FINALLY ORDERED** that Plaintiffs shall serve a copy of this order upon  
2 any Defendant(s) who have not yet appeared and shall file notice of service.

3           Dated this 15th day of August, 2024.

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7           Honorable Diane J. Humetewa  
8           United States District Judge  
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